

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

LADON S. CHURN,

Plaintiff,

File No. 2:11-CV-166

v.

HON. ROBERT HOLMES BELL

UNKNOWN PARKKILA, et al.,

Defendants.

**ORDER APPROVING AND ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

On August 21, 2012, United States Magistrate Judge Timothy P. Greeley issued a report and recommendation ("R&R") recommending that Defendants Parkkila and Mayotte's motion for summary judgment (Dkt. No. 28) be denied. (Dkt. No. 96, R&R.) Plaintiff Churn filed objections to the R&R on September 7, 2012. (Dkt. No. 100.)

This Court is required to make a *de novo* determination of those portions of the R&R to which specific objection has been made, and may accept, reject, or modify any or all of the Magistrate Judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). "[A] general objection to a magistrate's report, which fails to specify the issues of contention, does not satisfy the requirement that an objection be filed. The objections must be clear enough to enable the district court to discern those issues that are dispositive and contentious." *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995).

Plaintiff does not object to the recommendation that Defendants' motion for summary judgment be denied. Rather, Plaintiff objects to four statements in the R&R because they do

not precisely match the allegations in Plaintiff's complaint. The alleged misstatements Plaintiff has identified are minor and would not alter the outcome of the R&R. Furthermore, the statements in an opinion denying a motion for summary judgment do not constitute findings of fact by the Court and would not preclude Plaintiff from asserting his version of the facts at trial or in response to later motions.

Plaintiff also objects to the Magistrate Judge's August 21, 2012, orders concerning appointment of counsel and discovery matters. (Dkt. Nos. 97, 98.) A magistrate judge's resolution of a non-dispositive pretrial matter should be modified or set aside on review by the district court only if it is clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a); W.D. Mich. LCivR 72.3(a). Plaintiff's conclusory objection is insufficient to show that the orders are clearly erroneous or contrary to law. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's objections to the R&R (Dkt. No. 100) are **OVERRULED**.

IT IS FURTHER ORDERED that the August 21, 2012, R&R of the Magistrate Judge (Dkt. No. 96) is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Plaintiff's objections to the Magistrate Judge's August 21, 2012, orders concerning appointment of counsel and discovery matters are **OVERRULED**.

Dated: September 24, 2012

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE